

ParaReg Headnotes

200-399 Food Stamps

- 200-1 Complaint procedure; reference to 22-100 (63-106.1)
- 200-2 FS eligibility must be determined according to federal law (W&IC 18901)
- 200-3 State hearings under FS Program conducted according to the provisions of Division 22 (63-804.1)
- 200-4 FS decision must be issued within 60 days of hearing request (22-060.11)
- 200-5 W&IC is the abbreviation for the Welfare & Institutions Code
- 200-6 Claimant and AR can review agency file, obtain free copies of relevant portions of the case file; information not released to the claimant cannot be admitted into evidence (7 CFR 273.15(p)(1))
- 200-7 FS hearing decisions shall comply with federal law and regulations, and shall cite pertinent federal regulations (7 CFR 273.15(q)(1) and (2))
- 201-1 12-month limitation of restoration of lost benefits (63-802.42)
- 201-2 Time limits for filing state hearing request (63-804.5, 63-802.42)
- 201-3 Time limits for filing state hearing request (7 CFR 273.15(g))
- 201-4 Adequate notice, FS (63-504.211)
- 201-5 Statute of limitations, general (22-009.1)
- 201-8 Requirements for what late/incomplete CA 7 NOA must include (63-504.271)
- 201-9 Requirements for what voluntary quit NOA must include (63-408.21)
- 201-10 Requirements for what approval NOA must include (63-504.221)
- 201-11 Requirements for what ending/shortening certification period NOA must include (63-504.253)
- 201-12 Requirements for initial collection NOA (62-801.431)
- 201-12A Old rule: Requirements for what repayment NOA must include (63-801.431 revised 8/10/01; 7 CFR 273.18(d)(3)(ii))
- 201-14 Required language for overpayment and overissuance notices (*Anderson v. McMahon*; ACL 90-14)
- 201-15 Federal requirement for overpayment notice language (7 CFR 273.18(e)(3))

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203-1 Federal requirements on notice and delinquency when fair hearing decision on FS overissuance is pending (7 CFR 273.18(3)(6))

209-1 Equitable estoppel (*Canfield v. Prod*, *City of Long Beach v. Mansell*)

209-1A Analysis of equitable estoppel as to each of five sequential requirements; explanation of county's "knew or should have known" test as to element one; example of balancing individual and governmental interests (*Canfield v. Prod*)

209-2 Equitable estoppel can be applied in state hearings (*Lentz v. McMahon*)

209-3 Court says in dicta that equitable estoppel cannot contravene statutory or constitutional limitations (*Longshore v. County of Ventura*)

209-4 Equitable estoppel may not be applied against the federal government when it would result in a payment of funds not authorized by Congress, upheld in unpublished Court of appeals decision (*OPM v. Richmond*; *Vang v. Healy*; *Vang v. Saenz*)

209-5 Lost FS benefits a measure of injury for equitable purposes which may reduce the CalWORKs overpayment (ACIN I-60-96)

209-6 Knew or should have known test does not start running of the statute of limitations (*Morales v. McMahon*)

209-7 CDSS agrees to rescind parts of Notes from the Training Bureau dealing with authority of ALJs to write final decisions when they adhere to policy regarding hardship set forth in Notes (*Rush v. Saenz*)

209-8 Factors to consider in equitable estoppel balancing (*City of Imperial Beach v. Algert*; *Lee v. Bd. of Administration*)

209-9 Analysis by courts of application of equitable estoppel against public agencies (*Crumpler v. Bd. of Administration Emp. Retire. Sys.*; *City of Long Beach v. Mansell*)

209-10 Discussion of doctrine of laches (*Lam v. Bureau of Security and Investigation Services*)

209-11 No equitable estoppel against federal government (*OPM v. Richmond*; *Vang v. Saenz*)

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210-1 Appointment of FS authorized representative; authority of authorized representative (63-402.61)

210-3 County duty to have regulations, ACLs, W&IC, other public social service laws, in waiting or reception room in each central or district county office (Handbook 17-017)

210-4 Requirements that applications must have certain information in prominent lettering and language (7 CFR 273.2(b))

210-5 Record retention requirements in FS (ACL 02-12; 23-350)

211-1 Old rule: Denial of application, household has failed to appear for two interviews (63-301.3)

211-1A NOMI required after one missed interview, but if applicant reschedules within 30 days, and eligibility is established, the date of application is the beginning date of aid (63-301.32, 63-300.451, .452, .453)

211-1B Old rule: Denial of initial application, household has failed to appear for one interview (63-300.45, rev. 3/1/02)

211-1C Interviews to be scheduled as soon as possible after application, and consideration must be given to special HH circumstances for scheduling interview (63-300.45, eff. 3/1/02)

211-1D Recertification scheduling (63-300.454, eff. 6/1/01, rev. 3/1/02)

211-2 Denial of application, noncooperation, generally (63-505.1)

211-3 Withdrawal of FS application (63-300.36)

211-4 Face-to-face interview requirement (63-300.4)

211-5 Waiver of face-to-face interview requirement (63-300.43)

211-7 Members outside the HH, who are not excluded HH members, are not required to cooperate for HH to establish eligibility (63-301.31, .311)

211-8 Adult, or minor applying as a separate HH, or AR when no adult is required or able, must comply with FS SFIS or benefits will not be issued (63-601.12, .14; ACL 00-32)

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- 211-9 Counties must inform applicants/recipients of SFIS requirements (ACL 00-32)
- 211-10 Applications may be submitted in person, by mail, or electronically (63-300.3, revised 6/1/01)
- 211-11 When household provides verification after certification period, but within 10 days of request, benefits are not prorated (63-300.5(b), rev. 3/21/02)
- 212-1 Household has primary responsibility to provide evidence to support income statements, and to resolve questionable information, but county must assist (63-300.5(i))
- 212-2 Information to be verified before certification (63-300.5(e))
- 212-3 Optional verification (63-300.5(f))
- 212-4 Verification of questionable information; criteria for judging when information is questionable (63-300.5(g))
- 212-5 County use of home visits as method of verification (63-300.5(h)(3))
- 212-6 Determination as to what is classified as a "loan" and therefore exempt income (63-300.5(f)(2))
- 212-7 Collateral contacts as a source of verification (63-300.5(h)(2))
- 212-8 Delay in providing verification may result in loss of deduction but not decertification (63-300.5(c))
- 212-9 Shelter costs must be verified if allowing the expense will result in deduction (63-300.5(f)(4))
- 212-10 Verification of utility costs; subject to county option (63-300.5(e)(6), 63-504.341)
- 212-11 Households must verify gross nonexempt income. County action when verification cannot be provided (63-300.5(e)(1))
- 213-1 Duty of county to process timely reapplication prior to end of current certification period (63-504.611)
- 213-2 Interviews shall be scheduled promptly; 30-day rule; the county shall schedule second interview if household fails to appear at first (63-300.45; ACIN I-87-90)
- 213-3 County's duty when delay in processing application is the fault of the county; county is required to issue benefits retroactive to date of application (63-301.431, .432)

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- 213-4 When delay due to household fault, county has option of continuing to process application. No eligibility to benefits for month of application (63-301.42)
- 213-5 Denial of application--failure to provide verification requested by county on date of application (63-301.3)
- 213-6 Members outside the HH, who are not excluded HH members, are not required to cooperate for HH to establish eligibility (63-301.31, .311)
- 213-7 Current rule regarding county's duty to act on reported changes (63-504.352)
- 213-8 County duty to issue timely notice if change in circumstances results in a decrease in benefits. Effective date of decrease (63-504.423)
- 213-9 Aid pending required when timely filing (63-804.611, .613)
- 213-10 Aid pending terminated at end of certification period (63-804.642)
- 213-11 Requirements for sending notice on pended applications (63-504.22)
- 213-12 Requirements to protect applicants' right to apply when welfare offices closed on normal working days (*Blanco v. Anderson and Belshé*)
- 213-12A Requirement to provide for filing applications on normal working days implemented (*Blanco v. Anderson*; ACL 94-108, 95-08)
- 213-12B Application date when county office is closed on regular working day (63-300.81, .82)
- 214-1 Requirement to submit or apply for SSN; failure to provide without good cause results in disqualification; time period for applying for SSN (63-404)
- 214-2 Information collected, including SSNs, may be verified through computer matches, and disclosed to federal and state agencies, and law enforcement, in certain situations (63-300.23)
- 214-6 Adult, or minor applying as a separate HH, or AR when no adult is required or able, must comply with FS SFIS or benefits will not be issued (63-601.12, .14; ACL 00-32)
- 214-7 Counties must inform applicants/recipients of SFIS requirements (ACL 00-32)
- 214-8 Court order re SFIS policies of failure v. refusal to comply, how SFIS caretaker relatives pre 7/21/96 are affected, or how those individuals are treated when another family member is applying, stayed on appeal (*Sheyko v. Saenz*; ACIN I-69-01)

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- 215-1 Expedited service for destitute households (63-301.51)
- 215-2 County responsibility to inform potential applicants of responsibility to assist in completing application process (63-301.52)
- 215-3 Time frame for issuing FS on expedited basis (63-301.531)
- 216-1 Timing of interviews when application for recertification is made; county does not have further responsibility if interview is missed unless household tries to reschedule appointment (63-504.61(d))
- 216-2 Certification periods, generally (63-504.1)
- 216-3 Expiration of certification period for PA households (63-504.121)
- 216-4A Certification period may not be shortened (63-504.151, eff. 6/1/01)
- 216-5 County required to provide notice of expiration of certification period (63-504.251)
- 217-1 Requirement to provide certification materials, bilingual staff and interpreters when 5% of low income HHs in project area are single language minorities (7 CFR 272.4(b))
- 217-2 Counties are not to discriminate in administering aid programs; complaints of discrimination are to be referred to Civil Rights Bureau (21-109.1 and 21-203.11)
- 217-3 Duty of county to provide notices in language other than English (21-115.2; ACL 92-90, 00-03)
- 217-4 Duty to provide notice in primary language when five percent of welfare population live in the particular county (*Asociacion Mixta Progresista*)
- 217-5 Cases involving discrimination issues are to be remanded to the county for preparation of a report (22-062.5)
- 217-10 Information collected, including SSNs, may be verified through computer matches, and disclosed to federal and state agencies, and law enforcement, in certain situations (63-300.23)
- 218-1 County must act with courtesy, consideration, and respect (W&IC 10500)
- 219-1 Requirements for what approval NOA must include (63-504.221)
- 219-2 Requirements for what ending/shortening certification period NOA must include (63-504.253)

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219-3 Requirements for what late/incomplete CA 7 NOA must include (63-504.271)

219-4 Requirements for initial collection NOA (62-801.431)

219-4A Old rule: Requirements for what repayment NOA must include (63-801.431 revised 8/10/01; 7 CFR 273.18(d)(3)(ii))

219-5 Requirements for what voluntary quit NOA must include (63-408.21)

219-6 Required ABAWD NOA when alleged failure to meet ABAWD work requirements after 3 "free" months (63-410.4)

219-7 Required language for overpayment and overissuance notices (Anderson v. McMahon; ACL 90-14)

219-8 County requirements when incomplete CA 7 received (ACL 84-74; *Saldivar v. McMahon*)

219-9 Federal requirement for overpayment notice language (7 CFR 273.18(e)(3))

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- 221-1 Discontinuance for failure to submit a complete CA 7 (63-504.361(b))
- 221-2 CA 7 completeness, dating (63-504.321)
- 221-3 Definition of complete CA 7 (63-504.324)
- 221-4 General duty to submit CA 7. Households not required to otherwise report changes (63-505.2)
- 221-5 Definition of "extended filing date" (63-102(e)(4))
- 221-6 Federal requirement that agency has duty to provide special assistance in completing monthly reports to HHs with specified difficulties (7 CFR 273.21(c)(7))
- 221-7 Federal rule that HH who protests CA 7 discontinuance by filing for hearing has until end of issuance month to complete report (7 CFR 273.21(k)(2)(ii))
- 221-8 Monthly report forms must meet federal bilingual requirements (7 CFR 272.4(b), 273.21(h)(2)(ii))
- 221-9 Certain households (migrant and seasonal farmworker; elderly and disabled without earnings; homeless, those on Indian reservations) are not subject to monthly reporting or retrospective budgeting (63-505.21)
- 222-1 Failure to submit required verification of deductions with CA 7 (63-504.34)
- 222-2 Necessity of verifying certain items reported on the CA 7 (63-504.341)
- 222-3 County action when questionable information or verification is submitted with CA 7; definition of questionable information (63-504.343, 63-300.5(g))
- 222-4 Complete CA 7 must include verification of earned income and verification of changes in unearned income (63-504.325)
- 222-5 Verification of utility costs on CA 7, SUA on CA 7 (63-504.341(c))
- 222-6 County requirements when incomplete CA 7 received (ACL 84-74; *Saldivar v. McMahon*)
- 222-7 County may elect to verify housing costs when first allowed, or when there is a move (63-504.342)
- 223-1 Failure to submit required verification of deductions with CA 7 (63-504.34)

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223-3 Requirements for what late/incomplete CA 7 NOA must include (63-504.271)

226-1 Certain households (migrant and seasonal farmworker; elderly and disabled without earnings; homeless, those on Indian reservations) are not subject to monthly reporting or retrospective budgeting (63-505.21)

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230-1 When status of noncitizen is pending review of documents by INS or another federal agency, otherwise eligible noncitizen may receive FS (63-300.5(e)(2)(D))

230-2 Noncitizen must be given "reasonable opportunity" to submit acceptable documentation, and failure of county to give such opportunity requires issuance of benefits to otherwise eligible household 30 days after application (63-300.5(e)(2)(E))

231-1 Citizenship, when verification is required and what is acceptable verification (63-300.5(g))

231-2 FS participants must be U.S. citizens or eligible noncitizens (63-405)

232-1A Qualified noncitizens who are potentially eligible for FS (63-405.11, eff. 11/1/98 per 63-031.2)

232-1B Qualified noncitizens who are potentially eligible for FS (63-405.11, eff. 3/2/00)

232-1C Noncitizens who were eligible for 7 years under regulations in effect from 11/1/98-3/2/00; eligibility for retroactive benefits (63-405.12, eff 11/1/98 per 63-031.2; 63-032.3)

232-1D Noncitizens who were eligible for FS indefinitely under regulations in effect from 11/1/98-3/2/00; eligibility for retroactive benefits (63-405.13, eff. 11/1/98, per 63-031.2; 63-032.3)

232-2A Restoration of FS eligibility for certain noncitizens who lost federal eligibility under PRWORA, effective 11/1/98 modified 10/1/02 (ACL 98-76; P.L.

105-185; ACIN I-56-02)

232-2B Changes to federal FS eligibility for disabled legal noncitizens includes new disability definition, increased resource limit (PL

107-171, §§4401(a)(i), 4107; ACL 02-67)

232-2C Federal law allows Hmong and Highland Laotian individuals who were tribal members of tribes which rendered assistance to the U.S. during the Vietnamese War, and the spouses, unmarried dependent children, or non-remarried widows or widowers of such person, to meet FS alien eligibility requirements (8 USC 1602(a)(2)(K); 402(a)(2) of the PRWORA of 1996; 63-405.211)

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232-4 How LPR may combine quarters with a spouse or parent (63-405.112(e), revised to 63-405.4)

232-4A Meaning of "quarter" and method of determining if legal alien met 40-quarter exemption (ACL 96-68; Handbook 63-405.112(e)(2)(A), revised to Handbook 63-405.43; ACIN I-

105-00, I-91-01)

232-4B Certain earnings, with no Social Security withheld, can be used to meet 40 credit requirement for legal aliens (ACIN I-07-98)

232-4C Spouses can combine quarters to meet 40-quarter standard for legal noncitizen aliens (ACIN I-62-96; 63-405.4)

232-4D Person of any age receives credits from parents, earned pre-birth of person until person reaches age 18 (ACIN I-57-97)

232-5 Cuban/Haitian entrants and Amerasian immigrants meet qualified alien status, and for 7 years do not need Social Security credits or veteran status to qualify for FS (PL 105-33, §§5302, 5306, 105-185; ACIN I-07-98; ACL 98-76; 63-405.124, .125)

232-6 Philippine Army or Scouts from WWII are considered veterans (PL 105-33; ACIN I-07-98, 63-405.3)

232-7 Hmong and Highland Laos who worked for U.S. during Vietnam War were not considered "veterans" by CDSS and were ineligible for FS until 11/1/98 (PL 105-33, §5566(b); ACIN I-07-98, ACL 98-76; 63-405.21)

232-7A Individuals (certain Highland Laotians, Hmongs, and members of Indian tribes) who may be eligible for FS even if they are not qualified noncitizens (63-405.2, eff. 11/1/98, per 63-031.2, revised per 63-032.3)

232-8 CDSS position is that there are state, but not federal, FS benefits for noncitizen children of naturalized citizens (ACIN I-07-98)

232-8A When alien parents become U.S. citizens, noncitizen child also becomes a U.S. citizen (8 USC 1432(a)(1))

232-9 Calculation of credits earned in year when person also receives federally means tested benefits (ACIN I-07-98)

232-10 Two Parent Family CalWORKs and CFAP are not federally means tested programs (63-405.4; ACIN I-13-01)

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232-11 Consent form to access SS quarters is not required in all instances, as public agency may obtain information without consent form (ACIN I-07-98)

233-1 When income and resources of the sponsor are deemed to the sponsored noncitizen (63-503.49, .491, eff. 6/1/01)

233-1A Old rule: Aliens not subject to sponsored alien deeming; when deeming is appropriate (63-503.49)

233-2 When sponsored noncitizens are exempt from sponsorship provisions (63-503.492, eff. 6/1/01, rev. 3/1/02)

233-2A Old rule: Sponsored alien must provide information and documentation about sponsor as condition of eligibility (63-503.492(e), .493(a))

233-2B Definition of indigent alien, who is exempt from sponsored alien provisions, under federal regulations (7 CFR 273.4(c)(3)(iv))

233-3 Definition of sponsor (63-102(s)(7))

233-4 Definition of sponsored noncitizen (63-102(s)(8))

233-4A Requirement to obtain information as to sponsor's spouse's income and resources deleted (63-300.5(e)(8), 63-405.72)

233-5 Sponsored noncitizen ineligible while county is awaiting information about sponsor (63-503.494(a))

233-6 Determination of income deemed to sponsored noncitizen from sponsor and sponsor's spouse (63-503.493(a)(1)(A))

233-7 Resources deemed to the sponsored noncitizen from the sponsor and sponsor's spouse (63-503.493(b)(1))

233-8 Determining income and resources attributed to household from excluded sponsored noncitizen (63-503.443)

233-9 What sponsored noncitizen must verify; deeming rules apply only to sponsor(s) who have signed an I-864 Affidavit of Support (63-300.5(e)(8))

233-10 Under federal regulations, deeming of sponsor's income or resources only goes to eligible FS members, so no "double deeming" from sponsor through ineligible alien to, e.g., eligible spouse or child (7 CFR 273.4(c)(2))

234-1 County residence (63-401)

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236-1 CFAP eligibility, eff. 10/1/01 (63-403.1)

236-1A Old rule: CFAP eligibility, eff. 11/1/98 through 9/30/01 (63-403.1, 63-032.3; W&IC 18930(b)(4); ACL 02-22)

236-2 Eligibility for CFAP for those who entered U.S. after 8/22/96 and special programs existing from 10/1/99 and continuing (63-403.12; ACL 99-78; W&IC 18930(b)(4); ACIN I-01-00; I-80-00, I-67-01; AB 429)

236-3 Changes in CFAP effective 9/1/98 and 11/1/98 due to federal and state law changes (ACL 98-76)

236-4 Old rule: CFAP eligibility criteria as revised 2/1/99 (63-403.1, revised and rescinded 3/2/00, eff. 11/1/98)

236-6 CFAP recipients must be exempt from work requirements, or participate (63-411.1., .2; ACIN I-01-00)

236-7 Noncompliance with CFAP work requirements results in ineligibility, but ABAWD, FSET and voluntary quit requirements did not apply to CFAP until AB 1111 applied, 11/1/99 (63-411.3; ACL 99-78; W&IC 18930.5)

236-8 Non-CalWORKs CFAP recipients must meet ABAWD requirements as well as general FS work requirements (ACL 99-78; W&IC 18930.5; ACIN I-76-00; 63-410, 63-407.4)

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240-1 Definition of "homeless individual" (63-102(h)(2))

240-1A Policies re 90-day period for homeless persons living in another person's home (63-102(h)(2), 63-1434.3)

240-2 Individual may not participate as member of more than one household or in more than one county (63-401.2)

240-3 Household concept including definition of individuals who customarily "and/or" purchase and prepare food together, generally (63-402.13)

240-3A Federal regulations define HH as individuals who customarily purchase "and" prepare food together (7 CFR 273.1(a)(3))

240-4 Those not considered residents of institutions (63-402.4)

240-5 FC and Kin-GAP children are normally boarders, but if HH wishes to include them, the FC or Kin-GAP payment is income (ACL 89-08; 99-92, 99-97; SB 1901)

240-6 Spouses must be in same HH (63-402.143)

240-7 Excluded FS HH members included for purposes of defining HH (63-402.22)

241-3 Determination of when a parent and child are "living together" (FSQUAD 402.1-1)

241-4 Determination of which HH is appropriate for children in shared custody situations (63-402.15)

241-5 Parents, children, and relatives could constitutionally be required to be in same HH even when they did not purchase and prepare food together (*Lyng v. Castillo*)

241-6 Spouses must be in same HH (63-402.143)

241-7 Children under 22 years old must be in the parent's household, even if purchasing and preparing food separately (63-402.142)

241-9 When person under 22 lives with natural or adoptive parent, separate HH status cannot be established, but it can if person under 22 lives with father- or mother-in-law (ACIN I-62-96; 63-402.142)

241-10 When person under 22 lives with natural or adoptive parent, separate HH status cannot be established, but it can if person under 22 lives with father- or mother-in-law.

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Implementation for November 1966-August 1997 (ACIN I-62-96; 63-402.142, 63-1434.3)

243-1 SSI/SSP recipients are ineligible (63-402.225; 7 CFR 273.20(a))

243-1A Persons continue to be ineligible for FS because of SSI status during periods of temporary SSI ineligibility (63-402.225)

243-1B Suspended SSI/SSP recipient, who receives AFDC, is not eligible for FS, notwithstanding 63-301.7 (ACIN I-39-96)

243-2 Residents of institutions generally not eligible for food stamps (63-402.4)

243-3 Eligibility limited to citizens and legal aliens (63-403.1)

243-4 Individuals who do not meet citizen or alien requirements are to be excluded from the HH (63-402.221)

243-5 Striking HH members, eligibility of HH (63-402.82)

243-6 Drug felons defined and excluded from HH (63-402.229)

243-6A Drug felons only excluded from HH if conduct and conviction both occurred after 8/22/96 (ACL 98-16; 63-402.229)

243-7 Fleeing felons, persons in violation of their probation or parole, excluded from HH (63-402.224)

243-7A Fleeing felon defined, existence of warrant creates rebuttable presumption of flight (63-102(f)(4))

243-7B Persons in violation of their probation or parole defined (63-102(p)(2))

243-8 Excluded household members (63-402.22)

244-3 Persons who are considered "students" for FS purposes, and those who are not considered students (63-406.1, 63-406.12)

244-4 Definition of "institution of higher education" for FS student purposes (63-406.111(a))

244-5 Students who may be eligible for FS (63-406.21)

245-1 Definition of PA eff. 6/1/01 (63-102(p)(12))

245-1A Old rule: Definition of PA prior to 6/1/01 (63-102(p)(12))

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245-2 PA HHs are generally eligible for FS benefits and overissuance can be collected only if based on net income or HH size (63-301.7; ACL 90-71; 7 CFR 273.18(a)(1), (a)(2))

245-2A Suspended SSI/SSP recipient, who receives AFDC, is not eligible for FS, notwithstanding 63-301.7 (ACIN I-39-96)

245-2B Claim is handled as AE if due to county action or inaction; if CE household only overissuance is due to net income or household size (63-801.221)

245-3 PA status cannot be rescinded retroactively (54 Fed. Reg. p. 108)

245-4 Certain HHs not categorically eligible (63-301.74, revised 6/1/01)

245-4A HH members who do not affect whether an HH is PA (63-301.75)

245-4B CE HH members not exempt from work registration under 63-407.2 must meet work requirements of 63-407 (63-301.76)

245-5 GA HHs which qualify as categorically eligible (63-301.81, .82)

245-6 Categorically eligible GA HHs meet resource (except transfers), gross and net income limits, sponsored aliens, residency (63-301.822)

245-7 Fleeing felons and probation/parole violators, drug felons, and IPV sanctioned persons have income and resources attributed to HH from which they are excluded, and render the HH non-CE (ACL 98-19, 63-402.22, 63-503.44, and 63-801.7)

245-8 Individuals sanctioned for CalWORKs and FS do not cause HH to lose CE status, but those sanctioned only for CalWORKs make the HH non-CE (ACIN 1-34-99, referencing 63-301.92, 63-301.746)

245-9 CE HHs are only those who are TANF or TANF MOE under state policy, but GA HHs are still considered CE under regulations (ACL 99-81; 63-301.81, .82)

246-1 Single HH required when parents and children are together (63-402.142)

246-2 Definition of elderly or disabled HH member (63-102(e)(1))

246-3 Specific veteran's and railroad retirement programs which qualify an HH member as disabled (63-102(e)(1)(G-K))

246-4 Elderly and disabled households with no earnings are not subject to monthly reporting or retrospective budgeting (63-505.213)

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247-1 Migrant seasonal farmworkers are not subject to monthly reporting or retrospective budgeting (63-505.211, .212)

248-1 Fleeing felons, persons in violation of their probation or parole, excluded from HH (63-402.224)

248-2 Fleeing felon defined, existence of warrant creates rebuttable presumption of flight (63-102(f)(4))

248-3 Persons in violation of their probation or parole defined (63-102(p)(2))

248-5 Drug felons defined and excluded from HH (63-402.229)

248-5A Drug felons only excluded from HH if conduct and conviction both occurred after 8/22/96 (ACL 98-16; 63-402.229)

248-7 Suspended SSI/SSP recipient, who receives AFDC, is not eligible for FS, notwithstanding 63-301.7 (ACIN I-39-96)

248-8 Person who pleads guilty, but there is no entry of judgment, is not considered a drug felon until judgment is entered (ACIN I-71-99)

248-9 Person who has had drug felony conviction entered does not receive retroactive benefits if conviction is reduced or record expunged (ACIN I-71-99)

248-10 Minor must be convicted as an adult or minor is not a drug felon (ACIN I-71-99)

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251-1 Maximum resource limit (63-409.12; 63-504.351(b), 63-504.372(a), Handbook 63-1101.1, 42-207.2; ACIN I-56-02)

252-1 Old rule: 1/1/98-6/30/98 Exclusion from resources of home and surrounding property (63-501.3(a), ACL 97-66)

252-2 Exclusion from resources of HH goods, personal effects, burial plots, cash surrender value of life insurance, and pension plans (63-501.3(b))

252-3 Rule in effect, 1/1/98-6/30/98: Exemption of property producing income consistent with fair market value (63-501.3(d), ACL 97-66)

252-4 Exclusion of resources when cash value not accessible to HH (63-501.3(i))

252-4A Inaccessible resource defined to mean the resource would be exempt if its equity value is \$1500 or less (7 CFR 273.8(e)(18))

252-4B Property essential to the employment or self-employment of an HH member is exempt (63-501.3(f))

252-4C State regulation makes resources, other than cars or financial instruments, exempt if their sale would produce over \$1500; the regulation is inconsistent with other state and federal regulations which make exempt certain resources whose sale would produce less than \$1500; state regulations amended to conform with federal regulations 2/21/02 (63-501.3(i)(5); 7 CFR 273.8(e)(18); ACIN I-49-01)

252-5 Exclusion of resources when cash value not accessible to HH; specific rules pertaining to trusts (63-501.3(i)(1), 63-1432)

252-5A Rule in effect, 1/1/98-6/30/98: Exclusion of resources such as security deposits, property in probate, real property listed for sale (63-501.3(i)(2)-(4), ACL 97-66)

252-5B Old rule: Exclusion of certain inaccessible resources when the value to the HH is less than one-half the resource limit (63-501.3(h)(5), revised, renumbered eff. 6/1/01)

252-5C Federal regulations exempt resources which would not produce a significant return, or where the cost of selling would be relatively great (7 CFR 273.8(e)(18), modified eff. 1/20/01)

252-5D Federal Law excludes unlicensed vehicles from resource consideration if vehicle is inaccessible due to joint ownership, if in probate, or when HH is making a good faith effort to sell (7 CFR 273.8(c), (d), (e))

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252-5E Licensed vehicles excluded as resources when jointly owned, and non-household co-owner refuses to sell, or when the household is legally prohibited from selling the vehicle (ACIN I-46-96; 63-501.21, 63-501.3(i))

252-5F Licensed vehicles exempt as resources when jointly owned and joint owner won't sell, or when legal prohibition against selling vehicle (ACIN I-46-96; 63-501.21, 63-501.3(i)(3))

252-5G Vehicle valuation policies re, e.g., when a vehicle is "licensed", joint ownership, lease/purchase options, reevaluations, individual evaluations (ACIN I-17-02)

252-6 Exempt resources per federal statute (63-501.3(l))

252-6A Excluded income or resources under federal programs, and certain state or local grants (63-507(a))

252-7 Rule in effect, 1/1/98-6/30/98: Inaccessible resources of women in shelter for battered women (63-501.3(m), renumbered to 63-501.3(n), ACL 97-66)

252-8 Income of nonhousehold members such as SSI recipients does not count (63-503.45)

252-9 Inclusion of income and resources of disqualified HH member (63-503.441)

252-10 PA recipient's countable resources shall be excluded for resource determinations (63-501.3(p))

252-11 Identifiable business resources are excluded (63-501.3(f)(2))

252-12 Exemption of EITC payments (63-501.3(m))

252-12A Lump sum income (LSI) examples; LSI a resource, not income (63-501.1; 7 CFR 273.9(c)(8); ACIN I-13-01)

252-13 Treatment of AFDC COLAs as income or property, depending when the COLA was issued (63-503.232(c)(5)(A); 63-502.2(j); ACL 97-32)

252-14 Fleeing felons and probation/parole violators, drug felons, and IPV sanctioned persons have income and resources attributed to HH from which they are excluded, and render the HH non-CE (ACL 98-19, 63-402.22, 63-503.44, and 63-801.7)

252-15 CDSS position is to use stricter treatment of income and/or resources when an excluded HH member fits two income or resources categories (ACIN I-34-99, p.3, 5/11/99)

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- 253-1 Portion of joint resource held by PA recipient is exempt (63-501.22)
- 253-2 Licensed vehicles exempt as resources when jointly owned and joint owner won't sell, or when legal prohibition against selling vehicle (ACIN I-46-96; 63-501.21, 63-501.3(i)(3))
- 253-2A Federal Law excludes unlicensed vehicles from resource consideration if vehicle is inaccessible due to joint ownership, if in probate, or when HH is making a good faith effort to sell (7 CFR 273.8(c), (d), (e))
- 253-3 Evaluation of value, if any, of jointly held property (63-501.21)
- 253-6 Transfers of property can be made orally; when effective (Civ. C. 1052-1055)
- 253-10 Real property can be transferred only by operation of law, or by a writing (Civ. C. 1091, 1624(a))
- 255-1 Value of nonexempt real property is equity value, except for vehicles (63-501.12)
- 256-1 Value of nonexempt real property is equity value, except for vehicles (63-501.12)
- 256-1A Valuation of licensed vehicles, using both equity and fair market values (63-501.522, .523, .524)
- 256-2 Determining countable resources of vehicles (63-501.525, eff. 6/1/01)
- 256-2A Counties are to use "wholesale value" to determine value of vehicle, and should use one source consistently (63-501.511; ACIN I-124-00)
- 256-2B A car, if not otherwise excluded, with an FMV greater than the \$4500 (now \$4650) limit, was a countable resource, even if the net value of the car was zero after encumbrances; after 6/1/01, a car worth less than \$1500 is excluded from resource consideration (*Alexander v. Glickman*; 7 CFR 273.8(e); §63-501.525)
- 256-2C Vehicle is excluded as a resource when necessary to transport a physically disabled HH member, whether HH member is included or excluded, such as an SSI/SSP recipient (63-501.521(e); USDA FNS Letter FS-6-1-CA; 7 USC 2011(g)(2)(c)(ii); ACL 00-06, 00-31; *Anderson v. Saenz*)
- 256-2D Vehicle excluded for FS if it is used to transport physically, but not mentally, disabled household member (63-501.521(e); ACIN I-124-00)

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256-2E Vehicle exempted if equity value is \$1500 or less under federal regulations (7 CFR 273.8(e)(3), eff. 1/20/01)

256-2F Federal regulations exempt resources which would not produce a significant return, or where the cost of selling would be relatively great (7 CFR 273.8(e)(18), modified eff. 1/20/01)

256-2G Federal exemption of certain vehicles from equity test (7 CFR 273.8(f)(2), eff. 1/20/01; 63-501.523)

256-2H One licensed vehicle per adult household member is exempt from equity value test (63-501.523(b), eff. 6/1/01, rev. 2/21/02)

256-2I Old rule: Valuation of motor vehicles (63-501.51, .52)

256-2J Vehicle valuation policies re, e.g., when a vehicle is "licensed", joint ownership, lease/purchase options, reevaluations, individual evaluations (ACIN I-17-02)

256-3 Household can verify that value of vehicle is other than the blue book value (63-501.513)

256-4 Evaluation of unlicensed vehicles (63-501.53)

256-4A Federal Law excludes unlicensed vehicles from resource consideration if vehicle is inaccessible due to joint ownership, if in probate, or when HH is making a good faith effort to sell (7 CFR 273.8(c), (d), (e))

256-5 Evaluation of value, if any, of jointly held property (63-501.21)

256-6 DMV treatment of ownership of vehicle and how vehicle can be transferred (DMV Proc. 5.005)

256-7 Ownership of property under California law (Civ. C. 654, 679)

256-8 Transfer of property without consideration is usually a gift; "consideration" defined (Civ. C. 1146, 1605)

257-1 Disqualification of HHs which have transferred resources to qualify for aid (63-501.61)

257-2 Nondisqualifying transfers (63-501.62)

257-3 Disqualification period for HHs which have transferred resources to qualify for aid (63-501.64)

257-4 Length of disqualification period after transfer to qualify (63-501.64)

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260-1 County is to take into account the actual income already received by the HH during the month of application and the HH's estimate of income during other beginning months (63-503.212)

260-2 Net monthly income is net earned income plus unearned income minus deductions (63-503.311)

260-3 Net income of all other HHs other than elderly or disabled (63-503.311; Handbook 63-1101.2; ACL 98-78, 00-63, 01-56, 02-62)

260-3A Legally obligated child support to nonhousehold member is a deduction (ACL 95-49)

260-3B Since homeless shelter allowance is deducted from income, it cannot be used again to allow an excess shelter deduction (63-502.352, 63-503.311; 7 CFR 273.9(d)(6)(i))

261-1 Gross income maximum for nonPA, nonelderly, or nondisabled HHs (63-409.111, Handbook 63-1101.31)

261-2 Net income maximum for nonPA, nonelderly, or nondisabled HHs (63-409.111; Handbook 63-1101.32)

261-3 Prospective determination of income eligibility (63-503.231)

261-4 HHs with elderly or disabled members not subject to gross income test, but to net income maximums (63-409.111, .112; ACL 01-56)

261-5 Definition of "prospective eligibility" as estimating expected eligibility in issuance month (63-102(p)(11))

263-1 Amount of earned income deduction (Handbook 63-1101.2)

263-2 Earned income includes wages and salaries of an employee (63-502.131)

263-4 College work study income is earned income (63-502.137)

264-1 Self-employment income is to be added to other income and then deductions apply (63-503.31, .415)

264-2 Costs allowed in determining net self-employment income (63-503.413(a))

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264-2A Self-employed persons may choose actual expenses or 40% standard deduction (63-503.413)

264-3 Costs not allowed in determining self-employment income (63-503.413(b))

264-4 Averaging self-employment income for eligibility determination (63-503.412(a), (b))

264-5 Sale of capital goods is treated under federal tax rules (63-503.414; IRC 1231)

264-6 Verification necessary for self-employment income (63-503.412(c))

264-7 Earned income received monthly is counted monthly, but self-employment income received less than monthly is prorated (7 CFR 273.21(f)(2))

264-7A It is only HHs exempt from retrospective budgeting which may have weekly or biweekly income multiplied by 4.3 or 2.15 (ACIN I-25-02; 63-505.21)

264-8 Room rental is self-employment income (ACIN I-03-02; 63-502.132(b))

264-8A Self-employment income when rooms in FS applicant's home are rented (ACIN I-03-02)

265-1A No increase, but also no decrease, in FS benefits due to failure of person to comply with welfare or PA rules, when such failure results in decreased aid payments (63-502.17, 63-503.5, .51)

265-1B Any reduction caused by the HH in its PA or welfare grant, except for complete termination of aid, shall not be used to increase FS benefits (ACIN I-62-96; 63-503.51)

265-1C Calculate FS as if client-caused failure to comply with PA or welfare provisions had not been applied to reduce grant; then, determine that FS cannot be increased, due to this calculation (63-503.51, .52)

265-1D CDSS policy is to treat deductions from SSA to recover tax overpayments as countable income under 63-502.17, even though that regulation does not apply (63-502.17; ACL 02-55)

265-2 Unearned income includes AFDC, GA, and other need-based assistance including nonexcluded vendor payments (63-502.141, .141(a))

265-3 Unearned income includes grants which are paid for work performed without compensation other than the grant itself (63-502.141(b))

265-4 Unearned income includes annuities, pensions, etc. (63-502.142)

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- 265-5 Unearned income includes support or alimony payments (63-502.144)
- 265-6 Child support withheld from UIB or retirement checks is considered income to the individual whose check was reduced (FS Policy Memo 86-26, 92-11; 7 CFR 273.9(c))
- 265-7 VEAP benefits are resources to the extent the veteran has contributed to the VA and the remainder is income (ACL 94-06)
- 265-8 It is only HHs exempt from retrospective budgeting which may have weekly or biweekly income multiplied by 4.3 or 2.15 (ACIN I-25-02; 63-505.21)
- 266-1 Exclusion of in-kind income; including non-cash incentive payments and most gift certificates (63-502.2(a); ACIN I-82-01)
- 266-2 Vendor payments include payments to third party when there is no legal obligation to household (63-502.2(b)(1))
- 266-3 Certain PA and GA payments considered excludable vendor payments (63-502.2(b)(2))
- 266-3A Lump sum CalWORKs diversion money payments, and certain such vendor payments, are excluded as income (ACL 98-19; 63-502.2(b), (j))
- 266-3B Mandated vouchers/vendor payments for housing and utilities are included as income (ACL 98-19, 63-502.2(b))
- 266-3C Out-of-pocket CalWORKs child care expenses are deductible, and county must recalculate and issue correct benefits, even if the county was previously correct in denying the child care deduction (ACL 98-19)
- 266-4 AFDC HA payments excluded as income (*Hamilton v. Lyng*, *Hamilton v. Madigan*; ACL 88-91)
- 266-5 Irregular income is exempt, but not in excess of \$30 a quarter, and only if prospectively budgeted (63-502.2(d))
- 266-6 Old rule: Exclusion of income of half-time (or more) students under age 18 (63-502.2(i))
- 266-6A Student earning exclusion continues during semester or vacation breaks (63-502.2(i))
- 266-6B Old rule: State regulation excludes earned income of half-time (or more) student who turns 18 during certification period, or turns 18 at application (63-502.2(i))

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266-6C Earnings of child under 18, attending school at least half time, are excluded income (63-502.2(i), rev. 2/21/02)

266-6D Federal regulation excludes earned income of half-time (or more) student under age 18 (7 CFR 273.9(c)(7))

266-7 Exclusion of nonrecurring lump-sum payments as income (63-502.2(j))

266-7A Child support received by FSD when HH off aid, and paid to HH when on aid, is a resource, not income (63-502.2(j); *Hixenbaugh v. Anderson*; ACL 97-44))

266-7B Lump sum income (LSI) examples; LSI a resource, not income (63-501.1; 7 CFR 273.9(c)(8); ACIN I-13-01)

266-7C Treatment of LSI when an initial UI, DI or WC payment is received, differentiating between income and resources (ACIN I-25-02; 63-502.142, 63-501.111, 63-502.2(j))

266-8A Excluded income is income that is excluded by federal statute (63-502.2(l))

266-8B VISTA payments, including AmeriCorps VISTA, are excluded as income (63-507(a)(14); ACIN I-70-02)

266-9 Reimbursement for expenses not exceeding actual expenses is excluded as income (63-502.2(g))

266-10 TCC payments, at-risk, and child care and development payments are excluded as income (63-502.2(g)(1)(I))

266-11 Excluded income includes withheld monies from assistance payments (but not if failure to comply with program requirements), from earnings, or other source, or monies received and repaid (63-502.121)

266-12 2000 census income received by FS HH is exempt income for eligibility and benefit level purposes (ACL 00-18)

267-1 Computation of income of HHs with excluded members (63-503.442)

267-2 Deduction shared with nonhousehold members (63-503.452)

267-3 Persons with questionable citizenship ineligible to participate, but income and resources treated as available (63-300.532(b), 63-503.442)

267-4 Fleeing felons and probation/parole violators, drug felons, and IPV sanctioned persons have income and resources attributed to HH from which they are excluded, and render the HH non-CE (ACL 98-19, 63-402.22, 63-503.44, and 63-801.7)

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267-5 CDSS position is to use stricter treatment of income and/or resources when an excluded HH member fits two income or resources categories (ACIN I-34-99, p.3, 5/11/99)

268-1 Treatment of student grants and loans (63-502.145, .2(e))

268-1A BIA and Title IV educational loans excluded (ACL 93-57; P.L.

102-325; 63-502.2(l)(4), revised to 63-507(a)(6))

268-2 Major categories of Title IV Higher Education Act student assistance (ACL 87-43)

268-3 Definition of "institution of post-secondary education" (63-502.2(e)(3)(A))

268-4 Excludable portions of educational loans must be verified (63-502.2(e)(4))

269-1 Loans excluded as income (except certain educational loans) (63-502.2(f))

269-2 Proration of student grants and loans (63-503.212(b)(2)); ACL 92-72)

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270-6 Rental costs and gas for propane tank are shelter costs (ACIN I-49-95; 63-502.362(d))

270-7 Computation of shelter cost deduction (63-502.36, formerly 63-502.35)

270-8 Shelter costs included in determining shelter cost deduction (63-502.362)

270-9 Circumstances under which recipient is entitled to SUA; Amount of SUA (63-502.353, revised to 63-502.363; ACLs 99-71, 00-63, 01-17, 01-56, 02-62)

270-10 Old rule: Household entitled to deduction of actual utility costs instead of SUA (7 CFR 273.10(d)(6)(vi), 63-502.363(c), formerly 63-502.353(c))

270-10A When households may switch from SUA to actual costs, and vice versa (7 CFR 273.10(d)(6)(ii)(D); 63-502.363(c))

270-11 \$20 telephone allowance when HH not entitled to SUA unless lowest available rate exceeds \$20, \$6 prior to 4/1/92 (63-502.363(b), formerly 63-502.353(b))

270-12B Treatment of housing and utility costs in shared living situations pre 10/1/02; new proration rules eff. 10/1/02 (63-502.361, 63-021.1, ACL 02-55)

270-12C Differentiating shared housing expenses depending on reason excluded HH member is excluded from HH (63-502.372; 63-021.1)

270-13 Proration rules for housing and utility costs differ depending on whether there is one FS HH with excluded person(s), or two FS HHs (ACL 02-55)

270-15 Standard shelter allowance, homeless HHs (63-502.351-.4; 63-500.363(a)(1)(A); Handbook 63-1101.27; ACL 94-73, 95-64; 96-56; FS Coordinators Letter 8/14/97, ACL 99-71, 01-56, 02-62)

270-16 Actual homeless shelter costs, plus utility costs, can be used by HH if these exceed homeless shelter deduction (63-502.362(a))

270-17 Since homeless shelter allowance is deducted from income, it cannot be used again to allow an excess shelter deduction (63-502.352, 63-503.311; 7 CFR 273.9(d)(6)(i))

271-1 Out-of-pocket CalWORKs child care expenses are deductible, and county must recalculate and issue correct benefits, even if the county was previously correct in denying the child care deduction (ACL 98-19)

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272-1 Net monthly income of HH with elderly or disabled member (63-503.312; ACL 96-56, 01-56, 02-62)

272-1A Legally obligated child support to nonhousehold member is a deduction (ACL 95-49)

272-2 Maximum limitation on shelter cost not applicable to HHs which contain an elderly or disabled member (63-502.35)

272-3 Averaging medical expenses over certification period (63-503.253(a), 63-503.252(b))

272-4 County action on reported medical changes by nonmonthly reporting HHs (63-503.253(a), 63-504.421; 7 CFR 273.10(d)(4))

273-1 Income deductions; standard, shelter cost, earned income, dependent care (63-503.311; ACL 01-56, 02-62)

273-2 General reference to regulations regarding exclusions and deductions when there is no exclusion applicable to the case (specify the type of exclusion or deduction requested by the claimant) (63-502.2, .3)

273-3 Medical cost deduction; when applicable, types of medical expenses allowable (63-502.33)

273-4 Amount of medical transportation allowable; mileage allowance (63-502.331(h))

273-5 Kinds of allowable child support deductions; a deduction for arrearages is permitted (63-502.38, .386)

273-5A Reconciliation of state and federal policies on child support deductions (7 CFR 273.9(d); ACIN I-14-02)

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- 280-1 Monthly allotment based on HH's size and net income (63-503.324)
- 280-2 Proration of benefits in month of application (63-503.13; Handbook 63-1101.4)
[NOTE: Specify date, days in month, full month entitlement, prorated amount]
- 280-3B State regulations on issuance of benefits after delay in recertification, when household is not at fault (63-504.61(e), eff. 6/1/01)
- 280-3C Federal regulations on delays in issuance of benefits at recertification (7 CFR 273.14(e), eff. 1/20/01, to be implemented by 6/1/01)
- 280-4 Generally HHs will have income counted in month of receipt except when two regular payments are received in one month, in which case the income will count in each month (63-503.232(c))
- 281-1 Treatment of applications of HHs who move from one county or state to another (63-503.71)
- 281-2 Retrospective budgeting rule (63-503.23, 63-102(r)(10))
- 281-3 Certain households (migrant and seasonal farmworker; elderly and disabled without earnings; homeless, those on Indian reservations) are not subject to monthly reporting or retrospective budgeting (63-505.21)
- 281-4 PA and GA grants are prospectively budgeted (63-502.232(c)(5))
- 281-7 Treatment of AFDC COLAs as income or property, depending when the COLA was issued (63-503.232(c)(5)(A); 63-502.2(j); ACL 97-32)
- 281-8 Definition of "prospective eligibility" as estimating expected eligibility in issuance month (63-102(p)(11))
- 281-11 Definition of "retrospective budgeting" (63-102(r)(10))
- 281-11A Definition of "budget month" (63-102(b)(2))
- 281-11B Definition of "issuance month" (63-102(i)(9))
- 281-12 Income deductions billed in or averaged from budget month are retrospectively budgeted (7 CFR 273.21(j)(1)(vii)(C))
- 281-13 Manner in which county is to estimate income during beginning months (63-503.212(a))

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281-14 Definition of "prospective budgeting" (63-102(p)(10))

281-15 Suspension in issuance month when temporary income change in budget month (63-504.372)

282-1 Income received in beginning months which is noncontinuous into the budget month is not to be retrospectively budgeted (63-503.232(d)(1))

282-2A Discontinued income cannot be retrospectively budgeted only when PA or GA grant, timely reporting, and increase in PA/GA grant (63-503.232(d)(2))

282-3 Federal regulation regarding income discontinued when HH receives PA (7 CFR 273.21(j)(1)(vii)(B)(2))

283-1 GA/GR grant covering two months is income in month of receipt (63-503.232(c)(3))

284-1 Rule regarding county duty to act on reported changes when the change is the addition of a new HH member (63-504.353)

284-2 County duty to act if reported change results in an increase or decrease in an HH's benefits (63-504.353)

285-1 Member who leaves HH does not have income or deductions retrospectively budgeted the month after the leave is reported (63-504.356)

285-2 Changes reported outside CA 7 shall be effective in corresponding issuance month, except for household member's addition (63-504.357)

286-1 Nonmonthly reporting HHs are migrant and seasonal farmworker, certain elderly or disabled, and homeless (63-505.21)

286-2 What nonmonthly reporting HHs must report (63-505.51)

286-3 When county must act to increase benefits for nonmonthly reporting HH (63-504.422)

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290-1 Description of types of overissuance claims (63-801.2)

290-1A Federal differentiation between IPV, IHE and AE food stamp claims (7 CFR 273.18(b))

290-1B State definition of an AE (63-102(a)(3))

290-1C State definition of an IHE (63-102(i)(5))

290-1D State definition of "delinquent claim" (63-102(d)(3), 63-801.451)

290-1E State definition of "recipient claim" (63-102(r)(1))

290-2 Determination of over- or underissuance after household fails to file a complete monthly report, but the county fails to take action (FSQUAD

801-3)

290-3 When monthly income report is initially filed late or incomplete, and complete CA 7 submitted by extended filing date, then no FS claim is to be submitted (*Saldivar v. McMahon*; ACIN I-62-89)

291-1 County duty to provide retroactive benefits when county has erred (63-802.1)

291-2 Amount of underissuance to be restored should be reduced by outstanding overissuance but no offset against initial allotment (63-802.54)

291-3 Definition of underissuance (63-102(u)(1))

291-4 Out-of-pocket CalWORKs child care expenses are deductible, and county must recalculate and issue correct benefits, even if the county was previously correct in denying the child care deduction (ACL 98-19)

292-1 General rule regarding establishment of claims for overissuances; all adult HH members liable (63-801.1)

292-1A No claim for administrative error overissuance when \$35 or less, or in certain procedural matters, or when unaltered, expired ATP is redeemed (63-801.12; 7 CFR 273.18(b)(3))

292-1B Claims under federal regulations allowed against household members, or persons (such as ARs) who caused overissuances, but SSI recipient not a household member (7 CFR 273.18(a)(4), 273.20, 273.1(a)(7))

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292-1C Claims against household members under federal regulations, and against persons (such as ARs) who caused overissuances, but certain classes of people not household members (7 CFR 273.18(a)(4), 273.1(a)(7))

292-2 Definition of overissuance (63-102(o)(1))

292-3 Balancing overissuances against underissuances; no offset allowed against administrative error overissuances (63-801.313; Handbook 63-801.313; Lopez v. Glickman)

292-4 No 20% earnings deduction when IPV has been determined, or to any portion of earned income which the household has not reported (63-801.323, 63-801.312(c))

292-5A Computation of overissuance, and disallowance of deductions for unreported earnings (63-801.312)

292-5B Computation of overissuance, and disallowance of deductions for unreported earnings. Implementation for November 1966-August 1997 (63-801.312, 63-1434.3)

292-5C Disallowance of 20% earnings deduction only applies to portion of earnings not reported, and no good cause for failure to report (ACIN I-62-96; 63-801.312(c))

292-5D Disallowance of 20% earnings deduction only applies to portion of earnings not reported, and no good cause for failure to report. Implementation for November 1966-August 1997 (63-1434.3, 63-801.312(c))

292-6 Claim is handled as AE if due to county action or inaction; if CE household only overissuance is due to net income or household size (63-801.221)

293-2 Less than three-year limitation from date of discovery for county action to collect administrative error or inadvertent overissuances, date of discovery (63-801.111; ACIN I-52-02)

293-2A County shall calculate the amount of the administrative or inadvertent household error overissuance which occurred during the six years before the overissuance was discovered (63-801.311(b), eff. 8/10/01)

293-2B County, in most circumstances, can collect overissuance only if county has documented the amount and reason for the overissuance, and issued a demand letter, within three years of the overissuance (63-801.112, 63-801.311(b); ACIN I-03-02)

293-2C CDSS policy is to allow counties to collect overissuances for at least six years, as long as the last month is within three years of the month the overissuance is established (ACIN I-03-02, I-52-02; 63-801.112, 63-801.311(b))

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293-3 Claim shall be determined uncollectible after held in suspense for three years (63-801.53)

293-5 Collection action is to be taken only against HHs with adult member who was in HH when overissuance occurred (63-801.61; 7 CFR 273.18(f))

293-6 Delinquent claim defined; but it is not considered delinquent if it is being repaid (63-102(d)(3), 63-801.451, 63-801.454)

293-6A An overissuance claim that is being appealed is not considered delinquent (63-804.642)

295-1 Limitations on county use of tax-intercept system to collect overpayments (ACIN I-53-89)

295-2 Refunds of tax intercepts (ACIN I-53-89; ACL 90-14; Anderson v. McMahon)

295-3 Tax intercepts, when appropriate (20-403.1, .2)

295-4 Tax intercepts, refunds to claimants (20-408.1)

295-5 Tax intercept instructions for Tax Years 1993-2000 (ACIN I-22-00, I-19-98, I-12-97, I-11-95, I-06-94, I-13-93)

296-2 County duty to collect inadvertent or administrative error overissuances (63-801.411)

296-3 Continuing action on collection of administrative error claims (63-801.442)

296-4 IPV claims are only established by court or IPV hearing. Prior to a determination of IPV, the claim is to be handled as inadvertent error claim (63-801.231)

296-5A All overissuances are subject to allotment reduction if the HH or sponsor doesn't agree to repayment (63-801.431(d))

296-6 Criteria for suspension of administrative or inadvertent error claim (63-801.512)

296-7 Methods of collecting FS overissuances; method of reducing allotments (63-801.7)

296-8 Situations where county is authorized to reduce FS allotment to collect an outstanding nonadministrative error overissuance (63-801.441)

296-9 Notice must advise HH that SSI/SSA payments don't have to be used to repay overissuance until 11/17/00, when SSA language was deleted (*Louis v. McMahon*; ACIN I-27-90; ACIN I-109-00)

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296-9A Debt Collection Improvement Act requires credit agencies to notify debtors of their delinquent debt (*Louis v. McMahon*; 63 FR 44986, 44987, 71204; ACIN I-09-00; 63-102(d)(3), 63-801.45)

296-10 No reduction of initial FS allotment to offset past overissuances (63-801.97, .4)

296-11 Counties can collect administrative error FS overissuance only by requests for voluntary repayment prior to October 1, 1996 (ACINs I-24-96, I-22-97; *Aktar v. Anderson*)

296-12 No offsetting of administrative error overissuances against underissuances (ACL 96-43, 96-59; *Lopez v. Espy*, renamed *Lopez v. Glickman*; Handbook 63-801.313)

296-13 Administrative error claims where NOA is sent to be effective 3/1/00 or after are limited to collection at the greater of 5% of allotment level or \$10, and for a total of 36 months (*Lomeli v. Saenz*; ACL 00-59)

296-13A Once adjustment has begun, there is no further collection of a *Lomeli* overissuance after the 36 consecutive months have passed (*Lomeli v. Saenz*; ACL 00-87)

296-13B When, during the 36 consecutive months of potential adjustment under *Lomeli*, the person is not an FS recipient, the county may take action to recover the overissuance (ACL 00-87)

296-13C Counties should not combine adjustments of pre-*Lomeli* and *Lomeli* overissuances (ACL 00-87)

296-13D In general (but not in *Lomeli* cases) overissuances can be collected simultaneously, at the maximum allowable rate for the overissuance which allows the quickest recovery (63-801.73; ACIN I-124-00; ACL 00-87)

296-13E Federal rules on compromising claims (7 CFR 273.18(e)(7))

296-13F State regulation originally says that *Lomeli* affects only those overissuances occurring on or after 3/1/00, despite stipulated judgment that applies to all NOAs sent to be effective 3/1/00 or later, no matter when the FS administrative error overissuance occurred; regulation then modified to comport with *Lomeli* judgment (63-801.222, rev. 1/14/02; *Lomeli v. Saenz*)

296-14 Household cannot be held liable for FS overissuance due to county failure to include Social Security COLA but can receive benefits if underissuance occurs (63-504.462(b)(1)(A); ACIN I-105-00, I-91-01)

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296-15 Federal rules preclude using additional means of recovery when adjustment of FS allotment is occurring, except if additional payment is voluntary, or is collected from irregular and unexpected funds (7 CFR 273.18(g)(1))

296-16 When a "hearing officer" determines that a claim exists, then a new NOA must be sent regarding the overissuance (63-504.261)

297-1 ALJs have no authority to award interest (AFL-CIO v. UIAB; ACIN I-52-96; *Knight v. McMahon*)

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300-1 Duties of work registrants (63-407.4)

300-3 Clarification of policies regarding self-initiated workfare and training programs which satisfy ABAWD work requirements (ACIN I-37-01)

300-3A Tables setting forth FS participation requirements in non-FSET counties (ACINs I-37-01, I-114-01)

301-1 Work registration requirements, general (63-407.1)

301-2 Registration in GA, non-WIN PA, or RRP work programs, meet FS work registration requirements (63-407.23)

301-3 Explanation of work registration requirements and rights, responsibilities and consequences of failure to comply (63-407.31)

301-4 When work registration is considered completed (63-407.32)

302-1 Individuals exempt from work registration requirements (63-407.21; ACIN I-76-00, I-46-02)

302-1A Enrollment in correspondence course does not exempt student from FSET (ACL 95-18; 63-407.21(h))

302-1B Appeal from denial of UIB does not meet work exemption requirement, but zero UIB payment in order to recover UIB overpayment does (ACIN I-76-00; 63-407.21(e))

302-1C CDSS policy is to limit care of incapacitated person, or participation in drug or alcohol program, to situations where employment is precluded for at least 30 hours per week (ACIN I-76-00; 63-407.21(d) and (f))

302-1D Only one parent in FS household can qualify for exemption for caring for child under age six; parents can designate which parent is exempt (63-407.21(d); ACIN I-46-02)

302-1E "Unfit for employment" exemption must be expected to last 30 days, and person must actively seek medical treatment; exemption, if it exists, exists for entire month (63-407.21(b); ACIN I-46-02)

303-1 County must screen work registrants to determine whether they will participate or be deferred (63-407.81)

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- 303-2 Reasons for deferring from mandatory participation in FSET (63-407.811)
- 303-2A Pregnant women deferred from FSET participation (ACL 95-18; 63-407.811(c)(7))
- 303-2B Determination as to what constitutes an unreasonable distance for FSET deferral (ACIN I-04-02; 63-407.811(c))
- 303-3 Referral for FSET applicants if monthly expenses exceed reimbursement (63-407.311(a))
- 304-1A Sanction of individual who is in noncompliance with a work requirement; ending sanction (63-407.54, 63-407.543, revised eff. 2/1/00)
- 305-2 Required notice when county determines that noncompliance was without good cause (63-407.52)
- 305-3 Unsuitable employment (63-407.7)
- 305-4 Good cause determinations for work registrants (63-407.51)
- 306-1A Length of FS sanctions (63-407.53)
- 306-3A Reestablishing eligibility after sanction (63-407.612)
- 306-6A Principal work registrant who is ineligible alien and voluntarily quits job does not subject HH to disqualification (ACL 95-18; 63-408.3)
- 306-8 Disqualification for refusal to register, to participate in employment or training program, or to accept an offer of employment (7 USC 2015(d))
- 306-9 Prior state rule that individuals who become exempt for certain reasons prior to disqualification do not have to serve minimum penalty period, while individuals who become exempt after disqualification begins cannot reestablish eligibility until penalty period has run, revised to consider no instance of noncompliance if sanction not imposed (63-407.542)
- 306-9A Federal law and policy is to permit reestablishment of FS eligibility if person becomes exempt, even if sanction has begun (FS-2-GEN Ad. Notice; 7 CFR 273.7(h))
- 307-1 Provision of FSET Program components--Job Club/Search, Work and Training component (63-407.841)
- 307-2 Registrant must be told of component requirements and sanctions for noncompliance (63-407.821)

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307-3 FSET participation requirements (63-407.85)

307-3A Increase of state minimum wage to \$6.75 effective 1/1/02 reduces hours of required participation in FSET program (ACIN I-13-02, I-34-99; 63-407.85)

307-4 Reimbursement for transportation, child care, and other costs (63-407.83)

307-5 FS Workfare Program (63-407.91; 7 CFR 273.22)

307-6 FSET participants are subject to sanctions under 63-407.5 if they fail or refuse to comply with program requirements (63-407.861)

307-7 Clarification of policies regarding self-initiated workfare and training programs which satisfy ABAWD work requirements (ACIN I-37-01)

307-7A Tables setting forth FS participation requirements in FSET counties (ACIN I-37-01)

308-1 Voluntary quit rules; when applicable (63-408.1)

308-3 Good cause for leaving employment (63-408.41)

308-4 Persons exempt from voluntary quit provisions (63-408.3)

308-5A Principal work registrant who is ineligible alien and voluntarily quits job does not subject HH to disqualification (ACL 95-18; 63-408.3)

308-6 County duty to determine if good cause quit, and not to delay benefits pending determination (63-408.2)

308-7 Requirements for what voluntary quit NOA must include (63-408.21)

308-9 Voluntary quit penalties for applicants who leave employment without good cause (63-408.1, .11, .12)

308-9A Reestablishing eligibility after voluntary quit without good cause (63-408.12)

308-9B Once county has determined person quit without good cause, person cannot withdraw application to avoid 90-day ineligibility period (63-408.12; ACIN I-46-02)

308-9C Voluntary quit is established if FS applicant abandons job without good cause, or is fired due to misconduct or late appearances (63-408.41, 63-408.12; ACIN I-46-02)

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- 310-1 Food stamps shall be issued on a timely basis and in the correct amount (63-601.1)
- 310-5 Allowable replacements of ATPs (63-603.11, 63-603.12, 63-603.153)
- 310-6 Allowable coupon replacements (63-603.112, .12)
- 310-7 Replacement of FS in an automated direct access issuance system (63-603.115, .126)
- 310-8 Household responsibilities in order to receive replacement issuances (63-603.15, .3)
- 310-9 Adult, or minor applying as a separate HH, or AR when no adult is required or able, must comply with FS SFIS or benefits will not be issued (63-601.12, .14; ACL 00-32)
- 312-1 Federal requirement to allow 20 days to obtain allotment in alternative issuance system when certification occurs after twentieth of month (7 CFR 274.3(e)(1); ACINs I-15-90, I-31-90; 63-602.312)
- 316-1 Description of EBT system (Handbook 16-001.1)
- 316-2 EBT system to be used for FS, and may be used for CalWORKs (16-001.2, .3)
- 316-3 EBTs to be issued in compliance with regulatory guidelines (16-215.1)
- 316-4 County must give toll-free number to report stolen or lost EBT, and issue replacement EBT within 3 business days (16-515.1, 16-517.1)
- 316-5 Recovery of FS OIs from EBTs (16-750.1, .111, .15)
- 321-1 ABAWD requirements begin 12/1/96 or first full month after application and continue without interruption for next 36 months (63-410, 63-410.1 and .2)
- 321-1A Coupons received in mail and EBT benefits count as receipt of FS, but failure to pick up FS coupons is not a receipt month for ABAWD purposes (ACIN I-76-00)

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321-2 Individuals exempt from ABAWD requirements (63-410.31, .32, .33; ACIN I-76-00)

321-2A ABAWD exemption exists if there is an ineligible child under 18 in the FS household (ACIN I-04-02; 63-410.323)

321-3A Despite regulatory language which excludes individuals in areas which receive federal waiver from ABAWD requirements, state policy is to allow counties to decide whether to accept waiver (ACL 97-23; 63-410.33)

321-4 How to fulfill the ABAWD work requirement (63-410.21, 63-032.1; ACIN I-76-00)

321-4A Job search or job search training does not meet ABAWD requirements (63-410.213(c)(1); ACL 97-08)

321-4B Pre-2/1/2000, unsuitable employment work hours don't help meet 20 hour weekly work requirement; post-2/1/2000, reference to unsuitable deleted; in-kind work income may help meet that requirement (63-410.211)

321-5 Regaining ABAWD eligibility (63-410.51, 63-410.512(a))

321-5A Workfare assignment may be less than 20 weekly hours and still meet ABAWD requirement (ACL 97-08)

321-6 Three month eligibility period, on one-time only basis, after no longer satisfying work requirement but can be used only once in 36-month period (63-410.52, .521)

321-6A Three-month free period after failure to satisfy ABAWD work requirement does not include months when FS not used (ACL 97-08; 63-410.52)

321-6B County shall issue FS when individual described in 63-410.521 begins meeting ABAWD work requirements (63-410.523)

321-7 Required ABAWD NOA when alleged failure to meet ABAWD work requirements after 3 "free" months (63-410.4)

321-8 County is to make ABAWD eligibility determination during 3 free months (63-410.44)

344-1 Old rule: Fraud procedures for ADH (63-801.4, 63-805, 22-220.2)

344-2 Clear and convincing evidence defined (*People v. Martin*)

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344-3 IPV disqualification penalties must be imposed timely or administrative error overissuance will result (20-300.4, revised 7/1/98; ACL 91-26)

344-4 Welfare fraud requires nonentitlement to aid (*People v. Ochoa*)

344-5 \$250 monetary limit for FS IPV does not apply if claim is combined with AFDC IPV (ACL 95-43)

344-6 12-month, 24-month, and permanent disqualification penalties replacing 6-month, 12-month, and permanent disqualification penalties (63-805.1, 20-300.31)

344-6A Penalties for trading FS for controlled substance, or for firearms, when made by a court (20-300.31; ACL 96-35)

344-6B 10-year penalty for falsifying identity or place of residence in order to receive multiple FS benefits can be imposed through ADH or by court (20-300.314)

344-6C Trafficking FS of \$500 or more, as determined by court, results in permanent disqualification from FS program (20-300.315)

344-6D When respondent has two prior IPV determined by ADH, DCA, waiver, or court which occurred prior to 8/22/96, conviction of a third act after that date is a 24-month (2nd disqualification) penalty (20-300.343; ACIN 1-01-00)

344-7 Definitions of IPV and of penal statute (20-300.11, .12; W&IC 10980(g))

344-8 IPV sanction must be imposed immediately, even if disqualified individual is not on aid (ACL 95-81; *Garcia and Zellar v. Concannon*; 20-300.36, revised 7/1/98)

344-9 When IPV respondent has not been notified of changed penalties by county, disqualification penalty is based on regulations in effect at time of offense (20-300.32)

344-9A If fraudulent act begins when penalties are lower, and continues into period when penalties are higher, the higher penalties may be imposed (20-300.32; ACIN 1-01-00)

344-10 Federal regulations require notification of IPV penalties in clear, prominent and boldface lettering at each application (7 CFR 273.16(d))

344-10A Federal regulations require the applicant to be informed of the possibility of criminal prosecution, and the civil and criminal penalties, and that information be prominent, in boldface, and understandable (7 CFR 273.2(b)(i), (ii))